REMARKS

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,240,091 to Ginzboorg ('Ginzboorg'). Claim 24 stands rejected under 35 U.S.C. §102 as being anticipated by Ginzboorg. Additional claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ginzboorg alone or in combination with an additional reference. Claims 24 and 25 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 15-16, 21, 22 and 23 stand rejected under 35 U.S.C. §112 as being indefinite.

In order to expedite allowance, the applicant has amended certain of the claims. The claims are amended per the suggestion of the Examiner in order to place the application in condition for allowance. In the final Office action of December 15, 2008, the Examiner suggested as follows:

> Examiner respectfully suggests an affirmative limitation directed to utilizing or basing the claimed fee calculation on said selected charging information. Such a limitation established a functional relationship between the claimed elements of the group and the claimed invention, allowing the Examiner to give it a patentable distinguishing weight. *Office action dated December 15, 2008, p. 6*

It is emphasized that the claim amendments presented herein are for purposes of expediting allowance without prejudice or disclaimer. The applicant emphasizes that the applicant maintains the right to pursue claims directed to combinations as set forth in any prior acclaim in another (*e.g.,* a continuing) application.

Regarding claim 1, claim 1 recites in combination with numerous additional elements, the elements of "wherein said charging server includes a calculating unit for calculating a network access charge by said charging server according to a charging method information selected by said customer, said charging method information including at least one information item selected from the group consisting of: a size of the advertisement displayed on the information terminal, a number of advertisements displayed on the information terminal, electronic commerce deal amount, electronic commerce deal frequency, and communication traffic state information concerning a communication traffic state in the public network."

In the final Office action, the Examiner indicated that the highlighted elements of claim 1 are not disclosed in Ginzboorg:

> Ginzboorg also does not explicitly teach: said charging method information including at least one information item selected from the group consisting of: a size of the advertisement displayed on the information terminal, a number of advertisements displayed on the information terminal, electronic commerce deal amount, electronic commerce deal frequency, and communication traffic state information concerning a communication traffic state in the public network. *Office action dated December 15, 2008, p. 9*

The Applicant further asserts that the highlighted elements of claim 1 are not shown or suggested in the prior art. The Examiner also states the following with respect to claim 1:

> Examiner respectfully suggests an affirmative limitation directed to utilizing or basing the claimed fee calculation on said selected charging information. Such a limitation established a functional relationship between the claimed elements of the group and the claimed invention, allowing the Examiner to give it a patentable distinguishing weight. *Office action dated December 15, 2008, p. 10*

As the Examiner has indicated, that the recitation of elements in accordance with the highlighted elements will allow the Examiner to give the highlighted elements patentable weight, the Examiner if respectfully requested to withdraw the rejection of claim 1.

Regarding claim 2, claim 2 recites in combination with numerous additional elements, the elements of "wherein said charging server includes a calculating unit for calculating a network access charge by said charging server according to a charging method information selected by said customer, said charging method information including at least one information item selected from the group consisting of: a size of the advertisement displayed on the information terminal, a number of advertisements displayed on the information terminal, electronic commerce deal amount, electronic commerce deal frequency, and communication traffic state information concerning a communication traffic state in the public network."

In the final Office action, the Examiner indicated that the highlighted elements of claim 2 are not disclosed in the relied on prior art:

> Ginzboorg does not explicitly teach: said charging information including at least one information item selected from the group consisting of: a size of the advertisement displayed on the information terminal, a number of advertisements displayed on the information terminal, electronic commerce deal amount, electronic commerce deal frequency, and communication traffic state information concerning a communication traffic state in the public network. *Office action dated December 15, 2008, p. 15*

The Applicant further asserts that the highlighted elements of claim 2 are not shown or suggested in the prior art. Relative to claim 2, the Examiner states:

> However, as above, Examiner notes that this limitation is directed entirely to non-functional descriptive material having no claimed functional relationship the Applicant's claimed invention. It has been considered, but not given patentable weight for distinguishing Applicant's claimed invention over the prior art for the reasons discussed above. Examiner respectfully suggests that the additional limitation discussed above is likely to be applicable for claim 2 as well. *Office action dated December 15, 2008, p. 15*

As the Examiner has indicated, the recitation of elements in accordance with the highlighted elements will allow the Examiner to give the highlighted elements patentable weight, the Examiner if respectfully requested to withdraw the rejection of claim 2.

Regarding claim 24, claim 24 recites in combination with numerous additional elements, the elements of "calculating a network access charge by said charging server according to a charging method information selected by said user, said charging method information including at least one information item selected from the group consisting of: a size of the advertisement displayed on the information terminal, a number of advertisements displayed on the information terminal, electronic commerce deal amount, electronic commerce deal frequency, and communication traffic state information concerning a communication traffic state in the public network."

The Examiner has indicated that the highlighted elements are not disclosed in Ginzboorg.

> Ginzboorg does not explicitly teach: including at least one information item selected from the group consisting of: a size of the advertisement displayed on the information terminal, a number of advertisements displayed on the information terminal, electronic commerce deal amount, electronic commerce deal frequency, and communication traffic state information concerning a communication traffic state in the public network. *Office action dated December 15, 2008, pp. 5-6*

Further, the applicant respectfully asserts that the highlighted elements are not disclosed or suggested in the prior art. The Examiner has indicated that elements in accordance with the highlighted elements would allow the Examiner to give patentable weight to subject matter in accordance with the highlighted subject matter:

> Examiner respectfully suggests an affirmative limitation directed to utilizing or basing the claimed fee calculation on said selected charging information. Such a limitation established a functional relationship between the claimed elements of the group and the claimed invention, allowing the Examiner to give it a patentable distinguishing weight. *Office action dated December 15, 2008, p. 6*

The Examiner has also indicated that subject matter in accordance with the highlighted subject matter would traverse the present rejection under 35 U.S.C. §101.

> Examiner respectfully suggests positively reciting, for example, of a fee calculation step, similar to the one recommended in claim 24 below, as affirmatively performed by a particular computing device. *Office action dated December 15, 2008, p. 4*

Accordingly, the Examiner is respectfully requested to remove the rejections of claim 24 in view of the amendments presented herein.

Regarding claim 25, claim 25 recites in combination with numerous additional elements, the elements of "calculating a network access charge by said charging server according to a charging method information selected by said user, said charging method information including at least one information item selected from the group consisting of: a size of the advertisement displayed on the information terminal, a number of advertisements displayed on the information terminal, electronic commerce deal amount, electronic commerce deal frequency, and communication traffic state information concerning a communication traffic state in the public network."

The Examiner has indicated that the highlighted elements are not disclosed in Ginzboorg.

> Ginzboorg does not explicitly teach: including at least one information item selected from the group consisting of: a size of the advertisement displayed on the information terminal, a number of advertisements displayed on the information terminal, electronic commerce deal amount, electronic commerce deal frequency, and communication traffic state information concerning a communication traffic state in the public network. *Office action dated December 15, 2008, pp. 5-6*

Further, the applicant respectfully asserts that the highlighted elements are not disclosed or suggested in the prior art. The Examiner has indicated that elements in accordance with the highlighted elements would allow the Examiner to give patentable weight to subject matter in accordance with the highlighted subject matter. Relative to method claim 24, the Examiner states:

> Examiner respectfully suggests an affirmative limitation directed to utilizing or basing the claimed fee calculation on said selected charging information. Such a limitation established a functional relationship between the claimed elements of the group and the claimed invention, allowing the Examiner to give it a patentable distinguishing weight. *Office action dated December 15, 2008, p. 6*

The Examiner has also indicated that subject matter in accordance with the highlighted subject matter would traverse the present rejection under 35 U.S.C. §101. Relative to method claim 24, the Examiner states:

> Examiner respectfully suggests positively reciting, for example, of a fee calculation step, similar to the one recommended in claim 24 below, as affirmatively performed by a particular computing device. *Office action dated December 15, 2008, p. 4*

Accordingly, the Examiner is respectfully requested to remove the rejection of claim 25 in view of the amendments presented herein.

Regarding claim 23, claim 23 has been amended to address an asserted source of independence under 35 U.S.C. §112. Specifically, claim 23 has been amended to clarify that claim 23 covers a method where only one of an Internet access service providing method, an advertisement distribution method, and a charging method are charged, "wherein one or more of an Internet service providing method..." Further, the

combination of claim 23 as clarified is not shown or suggested in the prior art. Accordingly, it is respectfully asserted that claim 23 as clarified is allowable over the prior art of record.

Regarding the claims discussed herein, the applicant's selective treatment and emphasis of independent claims of the application should not be taken as an indication that the applicants believe that the Examiner's dependent claim rejections are otherwise sufficient. The applicant expressly reserves the right to present arguments traversing the propriety of the dependent claim rejections later in the prosecution of this or another application.

While the applicant herein may have highlighted a particular claim element of a claim for purposes of demonstrating an insufficiency of an examination on the part of an Examiner, the applicant's highlighting of a particular claim element for such purpose should not be taken to indicate that the applicants have advanced the argument that a particular claim element constitutes the sole basis for patentability out of the context of the various combinations of elements of the claim or claims in which it is present.

It is believed that all of the pending claims have been addressed. However, failure to address a specific rejection, issue or comment in the present file history does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made in the present file history are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in the present file history should be construed as an intent to concede any issue with regard to any claim, except as specifically stated, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The claim amendments presented herein were not presented earlier in prosecution as it was believed (and still maintained) that the claims as previously presented distinguish the claims over the prior art of record. The applicant respectfully requests entry of the present amendment after final as the present amendments will

place the application in condition for allowance. In fact, amendments presented herein incorporate suggestions for amendments made by the Examiner for purposes of advancing prosecution of the present application.

The amendments and remarks of the present response are based on the amendments and remarks previously submitted in a response dated March 16, 2009. However, per an Advisory Action dated April 14, 2009 appearing in the Patent Application Information Retrieval database, the March 16, 2009 response was not entered. In view of the non-entry of the March 16, 2009 response and further in view of additional amendments presented herein addressing informalities without altering the scope of any claim, applicant respectfully asserts that the present response qualifies as a "submission" for purposes of supporting a Request for Continued Examination (RCE). If the Examiner disagrees, the Examiner is respectfully requested to contact the applicant's representative at the phone number listed below.

Accordingly, in view of the above amendments and remarks, the applicant believes all of the claims of the present application to be in condition for allowance and respectfully requests reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicant's representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Dated: April 15, 2009

Respectfully submitted,

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